

ENTERED

February 08, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IPIRO NETWORK, LLC, a California §
Limited Liability Company, §
§

Plaintiff, §
§

v. §
§

CIVIL ACTION NO. H-18-0249

FINTACT SOLUTIONS GROUP,
LLC, a Texas Limited Liability
Company, §
§

Defendants. §

**ORDER TO AMEND PLAINTIFF'S COMPLAINT TO ALLEGE
FACTS ESTABLISHING SUBJECT MATTER JURISDICTION**

Plaintiff, IPro Network, LLC, brings this action against defendant, Fintact Solutions Group, LLC, asserting claims and seeking damages for breach of oral contract, negligence, and conversion. Plaintiff asserts jurisdiction based on diversity of citizenship by alleging:

4. This Court maintains diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332, as the parties are citizens of different States and the amount in controversy exceeds \$75,000 dollars.¹

In support of jurisdiction, plaintiff alleges in pertinent part:

1. Plaintiff IPro Network, LLC is a California Limited Liability Company with its principal place of business located at 9651 Irvine Center Drive, Irvine, California 92618.

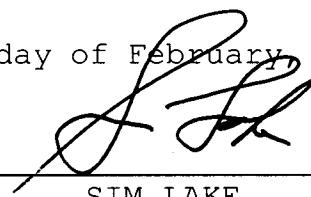
¹Plaintiff IPro Network, LLC's Original Complaint, Docket Entry No. 1, p. 2 ¶ 4.

2. Defendant Fintact Solutions Group, LLC is a Texas Limited Liability Company with its principal place of business located at 118 Vintage Park Blvd #W-418, Houston, Texas 77433.²

"The citizenship of a L[imited] L[iability] C[ompany] is determined by the citizenship of all of its members." Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1080 (5th Cir. 2008). Plaintiff's complaint identifies both plaintiff, IPro Network, LLC, and defendant, Fintact Solutions Group, LLC, as limited liability companies. However, the complaint contains no mention of either company's members, let alone their respective states of citizenship. Under Harvey these allegations are facially insufficient to establish the existence of diversity jurisdiction.

Accordingly, plaintiff is **ORDERED** to file an amended complaint by February 22, 2018, that identifies each party's members and their respective states of citizenship. Should plaintiff fail to file an amended complaint by February 22, 2018, that adequately alleges facts sufficient to establish subject matter jurisdiction, this action will be dismissed for lack of jurisdiction.

SIGNED at Houston, Texas, on this 8th day of February, 2018.



SIM LAKE
UNITED STATES DISTRICT JUDGE

²Id. at 1 ¶¶ 1-2.